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March 19, 2018

VIA ECF

Honorable Paul G. Gardephe
United States District Court, Southern District of New York
40 Foley Square Room 2204
New York, NY 10007

Re: Barbara Roldan v. Carmine Restaurant Inc. et. al
Case #17CV872

Dear Judge Gardephe:

I am the attorney for the plaintiff in this matter. I am writing to request a pre motion conference prior to filing a Rule 37 motion for failure to provide discovery.

I served demands for documents and interrogatories on defendants on February 8, 2018. I received no response to those demands. On March 14, 2018, I notified counsel that discovery responses were overdue and that responses must be served by March 19.

The attorney for defendant West 27 LLC responded that his mother had recently passed away and apologized for the delay, however, no discovery has been provided. The attorney for defendant Carmine Restaurant Inc. responded that “whenever the landlord is ready to respond we will be too.”

Fact discovery is scheduled to end April 9th and deposition notices have been served, however, I am unable to proceed without discovery responses (it is also noted that counsel for West 27 LLC has advised that he is unable to produce a witness during the Passover holiday)

Defendants do not consent to this request.

Very truly yours,

Donald J. Weiss